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July 26, 1994

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**EX PARTE**

William F. Caton  
Acting Secretary  
Federal Communications Commission  
Mail Stop 1170  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

Dear Mr. Caton:

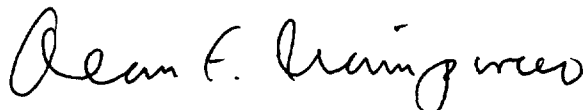
Re: *CC Docket No. 93-22, Policies and Rules Implementing the Telephone Disclosure and Dispute Resolution Act, 800 Information Calls*

On behalf of Pacific Bell, please find attached an original and two copies of its written ex parte presentation to Kathleen Levitz, Deputy Chief-Policy, Common Carrier Bureau, concerning 800 Information Calls in the above-referenced proceeding.

We are submitting two copies of this notice in accordance with Section 1.1206(a)(1) of the Commission's Rules.

Please stamp and return the provided copy to confirm your receipt. Please contact me should you have any questions or require additional information concerning this matter.

Sincerely,



Attachment

cc: Richard Welch  
James Casserly  
Ruth Milkman  
James Coltharp

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July 26, 1994

Ms. Kathleen Levitz  
Deputy Bureau Chief  
Federal Communications Commission  
1919 M Street, N. W., Room 500  
Washington, D. C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Ms. Levitz:

Re: CC Docket No. 93-22, Policies and Rules Implementing  
The Telephone Disclosure and Dispute Resolution Act

Pacific Bell submits this written ex parte in CC Docket No. 93-22 in accordance with Section 1.1206(a)(1) of the Commission Rules. In the Commission's Report and Order, adopted July 15, 1993, the Commission adopted certain rules to promote the development of pay-per-call services and shield consumers from fraudulent and deceptive practices. These rules establish two kinds of interstate information service calls for which the caller pays a charge in addition to the transmission charges: (1) "pay-per-call" services which may be offered only through telephone numbers beginning with the 900 service access code and (2) information services offered only pursuant to a preexisting "presubscription or comparable arrangement".

Over the last several months, Pacific Bell has received numerous consumer complaints regarding information services associated with 800 telephone numbers. The consistent theme of these complaints is that the "presubscription or comparable agreement" relied upon by the information provider ("IP") fails to adequately describe for the consumer the terms and conditions under which the information service is being provided. For example, certain IPs are now using automatic number identification ("ANI") in order to establish presubscription or comparable arrangements. When ANI is used in this fashion, the subscriber of the telephone from where the call originates is billed for the call regardless of who actually made the call. Thus, hotels/motels, universities, hospitals, businesses, not to mention consumers, are being billed for 800 information services under nonexistent presubscription arrangements. IPs are also connecting consumers to information services regardless of whether the consumer has previously established a presubscription arrangement with the IP. The Commission's rules envision two

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calls by the consumer, one to set up the presubscription arrangement and a second to actually use the service. In addition, many 800 information services have few, if any, safeguards in place to ensure that the service is provided and billed to persons over the age of eighteen.

Pacific Bell recommends the Commission further clarify its rules as follows:

- For other than 900/976 information service calls, the IP must establish a presubscription or comparable arrangement with the consumer actually making the call. The consumer must be 18 years of age or older. ANI shall not be considered an acceptable basis upon which to establish a presubscription or comparable arrangement. All presubscription or comparable arrangements must be based upon one of the following procedures:

Written Consumer Authorization

No presubscription or comparable arrangement, including any form of personal identification number ("PIN"), shall be established until the consumer has agreed in writing to the terms and conditions under which the information service shall be provided. This written authorization shall include the consumer's name, date of birth, residence address, residence telephone number, confirmation of the consumer's understanding of the terms and conditions of the information service and the consumer's signature.

Written Consumer Notice/Consumer 900 Call Back

No presubscription or comparable arrangement, including any form of PIN, shall be established on the consumer's initial call to an 800 information service. The IP shall obtain the consumer's name, date of birth, residence address and residence telephone number. The IP shall send a written description of the information service, including all relevant terms and conditions, to the consumer's address as confirmation of the consumer's interest in presubscribing to the information service. A unique PIN for the consumer shall be provided with the written notice along with a toll free 900 number that the consumer may call to activate the PIN. Following activation of the PIN, the consumer may access the IP's information service.

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- While an adequate presubscription or comparable arrangement would likely eliminate the majority of consumer complaints, we urge the Commission to require IPs to give consumers a one-time adjustment, upon request, for the inadvertent, mistaken or unauthorized use of 800 information services. Such an expanded adjustment policy is necessary due to the fact that many consumers continue to believe that all 800 numbers are toll free.
- The IP must be responsible for blocking all 800 calls to their information services at the request of the consumer or the entity actually billing the consumer for the service (i.e. the local exchange company or other billing agent). IPs must establish a nationwide 800 blocking database which is to be accessed by the IP prior to establishing service with a consumer.
- The consumer's bill must contain the actual number the consumer dialed and the name or a brief description of the information service. The billing record provided by the IP to its billing agent must identify the call as an information service in order to enable the billing agent to display the call in a separate section of the consumer's bill.
- The "cure period" set forth in Part 64 of Title 47 of the Code of Federal Regulations, Section 64.1503, should be expanded to include 800 information services.

Pacific Bell respectfully requests the Commission to take the above-referenced actions to clarify and/or change its rules regarding the provision and billing of information services.

Sincerely,

*S. L. McGreevy / Afc*

S. L. McGreevy  
Regulatory Manager